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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Nyle S. Elliott et al.

Serial No: **10/720,213**

Group Art Unit: **3763**

Filed : **November 25, 2003**

Examiner: **Manuel A. Mendez**

For : **SINGLE USE CATHETER**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action of November 14, 2007, the Examiner rejected claims 1-4, 7 and 8 as being obvious over Kelly in view of Thornton, Meythaler et al, Stone and Binard et al. In the part of the rejection relevant to this request, the Examiner states that Kelly discloses the invention as claimed except for the use of a one way valve. The Examiner relies upon Meythaler for its disclosure in column 3, lines 17-20 that states that the catheter assembly can include a one way valve for the introduction of drugs, fluids or medications through the catheter without backflow. The Examiner stated that enhancements to Kelly, motivated by the disclosure of Meythaler, would have served to improve the safety of use and the infusion capabilities of the catheter. This rejection is respectfully traversed.

The application has two independent claims, claim 1 and claim 7. Both of these claims state that the first conduit of the lumen is in fluid communication with the inflatable cuff. Also, the one way valve is within this first conduit. Therefore, a one way valve allows inflation but preventing deflation of the cuff. In contrast thereto, the conduit of Meythaler having the one way valve is not in communication with the inflatable cuff but is in a conduit allowing the introduction of drugs, fluids or medications through the catheter assembly. Applying this teaching to Kelly, the one way valve would not be placed in the

first conduit which is in fluid communication with the inflatable cuff but rather in the second conduit which allows the introduction of materials through the catheter. While such a combination may be obvious, it does not meet the express limitations of the claims that the valve be associated with the conduit leading to the inflatable cuff.

The Examiner notes that Binard demonstrates the conventionality of severing the catheter when the inflation lumen becomes obstructed. This teaching falls short of having a one way valve in the catheter requiring that the catheter be cut. Without such a one way valve, the cuff may be deflated and the catheter reused, a situation which is not possible with the catheter of the invention.

The prior art does not disclose a conduit leading to an inflatable cuff of a catheter having a one way valve. The prior art discloses a one way valve in a lumen allowing the introduction of drugs through the catheter but this is different than the claimed invention. In addition, the disclosure of cutting a catheter when an inflation lumen becomes obstructed also does not meet the invention as claimed. It is respectfully requested that the rejection be withdrawn and the claims allowed.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,


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